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**NOTICE OF APPEAL TO A COURT OF APPEALS  
FROM A JUDGMENT OR ORDER OF A  
DISTRICT COURT**

United States District Court for the  
Northern District of Illinois

08cv4246

File Number 08-CV-4246

Louise Davenport,  
Plaintiff

**Notice of Appeal**

v.

Michael Astrue, Commissioner,  
ALJ Cynthia Bretthauer, ALJ Edwin Shinitzky,  
Regional CALJ Paul C. Lillos, officially and Individually  
Illinois Department of Disability Determination  
Services as agent of SSA - Joan Fafoglia,  
Thomas Bonner, Rose Angelo, Dr. Scot Kale,  
Dr. E.C. Bone, Dr. Carlos F. Aquino, Individually  
Appeals Council (unknown members) Officially and individually  
Patrick P. O'Carroll Jr., Office of Inspector General,  
Officially and Individually,  
Defendants

**FILED**

**AUG 29 2008 TC**

**8-29-2008**

**MICHAEL W. DOPRINS  
CLERK, U.S. DISTRICT COURT**

Notice is hereby given that Louise Davenport, plaintiff, in the above named case, hereby appeal to the United States Court of Appeals for the Seventh Circuit from an order dismissing plaintiff's complaint, sua sponte, for failure to state a claim on which relief can be granted, and striking her motion to proceed Informa Pauperis, entered in this action on the 31st day of July, 2008.

(s) *Louise Davenport*  
Louise Davenport, Pro Se  
Plaintiff-Appellant

Address: *Louise Davenport*  
*General Delivery*  
*433 W. Harrison St.*  
*Chicago IL 60649*

**SEVENTH CIRCUIT COURT OF APPEALS INFORMATION SHEET**

Include the names of all plaintiffs (petitioners) and defendants (respondents) who are parties to the appeal. Use a separate sheet if needed.

NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION DOCKET NUMBER: 08cv4246

PLAINTIFF (Petitioner)

v.

DEFENDANT (Respondent)

Louise Davenport/Appellant	Social Security Administration, et al/Appellee
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(Use separate sheet for additional counsel)

PETITIONER'S COUNSEL		RESPONDENT'S COUNSEL	
Name	Louise Davenport (ProSe)	Name	
Firm		Firm	
Address	2665 Washington Blvd Chicago, IL 60612	Address	
Phone		Phone	

Other Information			
District Judge	Manning	Date Filed in District Court	7/25/2008
Court Reporter	P. Mullen Ext. 5565	Date of Judgment	7/31/2008
Nature of Suit Code	440	Date of Notice of Appeal	8/29/2008

COUNSEL:

Appointed

☐

Retained

☐

Pro Se

☒

FEE STATUS:

Paid

☐

Due

☐

IFP

☐

IFP Pending

☒

U.S.

☐

Waived

☐

Has Docketing Statement been filed with the District Court Clerk's Office?

Yes

☐

No

☒

If State/Federal Habeas Corpus (28 USC 2254/28 USC 2255), was Certificate of Appealability:

Granted

☐

Denied

☐

Pending

☐

If Certificate of Appealability was granted or denied, date of order:

\_\_\_\_\_

If defendant is in federal custody, please provide U.S. Marshall number (USM#):

\_\_\_\_\_

**IMPORTANT: THIS FORM IS TO ACCOMPANY THE SHORT RECORD SENT TO THE CLERK OF THE U.S. COURT OF APPEALS PURSUANT TO CIRCUIT RULE 3(A). Rev 04/01**

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Blanche M. Manning	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	08 C 4246	DATE	July 31, 2008
CASE TITLE	<i>Davenport v. Astrue</i>		

## DOCKET ENTRY TEXT:

For the reasons stated below, Ms. Davenport's complaint is dismissed for lack of jurisdiction.

■ [ For further details see text below.]

## STATEMENT

Pro se plaintiff Louise Davenport seeks leave to proceed in forma pauperis. This court has the power to screen complaints filed by all litigants prior to service, regardless of their fee status, and must dismiss a complaint if it fails to state a claim. 28 U.S.C. § 1915(e)(2)(B); *Rowe v. Shake*, 196 F.3d 778, 783 (7th Cir. 1999). Because Ms. Davenport is proceeding pro se, the court has construed her filings liberally.

Ms. Davenport filed suit against Michael J. Astrue, the Commissioner of Social Security, as well as all of the people who appear to be involved in the administrative proceedings regarding her claim for Disability Insurance Benefits and Supplemental Security Income. Ms. Davenport has two prior federal court cases: *Davenport v. Commissioner*, 03 C 9301, and *Davenport v. Commissioner*, 07 C 1888. No. 03 C 9301 was assigned to Judge Lefkow, who remanded the Commissioner's decision for further administrative proceedings. No. 07 C 1888 was assigned to Judge Kennelly and sought the issuance of a writ of mandamus pursuant to 42 U.S.C. § 405(g) and 28 U.S.C. § 1361. In that case, Ms. Davenport asked the court to order the Commissioner to schedule an administrative hearing on remand, to provide a different administrative law judge, and to withdraw its orders requiring consultative examinations. On August 23, 2007, Judge Kennelly dismissed Ms. Davenport's complaint based on lack of jurisdiction, finding that mandamus was not an appropriate vehicle for review of social security decisions. *See Davenport v. Commissioner*, 07 C 1888, Docket No. 22.

(continued)

Courtroom Deputy  
Initials:

RTH/c

## STATEMENT

Ms. Davenport contends that administrative review proceedings are currently pending. She appears to be arguing that she has not received a favorable decision yet because “ID thieves” and “property thieves” have conspired with various employees at the Social Security Administration to delay the processing of her claims, caused the ALJ hearing her claims to be biased against her, and led to her arrest by City of Chicago police officers. Although the “ID thieves” have allegedly taken all of her assets, tried to control her life, forced her to enter into relationships with men of their choice, and even controlled what she wears, “for the purposes of this complaint, the focus is their influence in the processing of my disability claims.” Complaint at 2.

This court may only review a final decision rendered by the Commissioner that is timely appealed. *Califano v. Sanders*, 430 U.S. 99, 108 (1977); 42 U.S.C. § 405(g). Ms. Davenport asserts that the administrative proceedings are unfair and procedurally improper, and that she is entitled to benefits now. Ms. Davenport, however, does not appear to have received a final decision from the Commissioner. She must have a final decision before she can file a federal court action attacking any of the process afforded in the administrative proceedings or challenge the denial of benefits. Accordingly, while the court appreciates that Ms. Davenport is dissatisfied with the administrative review proceedings to date, unless and until she pursues all of her available administrative remedies and obtains a final decision, she cannot pursue a federal court action. Thus, her complaint is dismissed for lack of jurisdiction and all pending motions are stricken.

APPEAL, COLE, TERMED

**United States District Court**  
**Northern District of Illinois - CM/ECF LIVE, Ver 3.2.2 (Chicago)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-04246**  
**Internal Use Only**

Davenport v. Social Security Administration et al  
Assigned to: Honorable Blanche M. Manning  
Cause: 28:1331 Federal Question

Date Filed: 07/25/2008  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

**Plaintiff****Louise Davenport**

represented by **Louise Davenport**  
2565 Washington Blvd  
Chicago, IL 60612  
PRO SE

V.

**Defendant****Social Security Administration****Defendant****Commissioner Michael Astrue****Defendant****ALJ Cynthia Bretthauer****Defendant****ALJ Edwin Shinitzky****Defendant****Regional CALJ Paul C Lillos**

*Each in his/her Official and Individual  
Capacities*

**Defendant****Illinois Department of Disability  
Determination Services****Defendant****Services as agent of SSA****Defendant****Joan Fafoglia**

**Defendant****Thomas Bonner****Defendant****Rose Angelo****Defendant****Dr. Scot Kale****Defendant****Dr E C Bone****Defendant****Dr. Carlos F Aquino***Officially and Individually***Defendant****Appeals Council***(unknown members), Officially and Individually***Defendant****Patrick P O'Carroll, Jr****Defendant****Office of the Inspector General***Officially and Individually*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
07/25/2008	<a href="#"><u>1</u></a>	RECEIVED Complaint and 14 copies by plaintiff. (Poor Quality Original - Paper Document on File) (vmj, ) (Entered: 07/29/2008)
07/25/2008	<a href="#"><u>2</u></a>	CIVIL Cover Sheet (vmj, ) (Entered: 07/29/2008)
07/25/2008	<a href="#"><u>3</u></a>	PRO SE Appearance by Plaintiff Louise Davenport (vmj, ) (Entered: 07/29/2008)
07/25/2008	<a href="#"><u>4</u></a>	MOTION by Plaintiff Louise Davenport for leave to proceed in forma pauperis (vmj, ) (Entered: 07/29/2008)
07/31/2008	<a href="#"><u>5</u></a>	MINUTE entry before the Honorable Blanche M. Manning: Ms. Davenports complaint is dismissed for lack of jurisdiction. All pending motions are stricken. Civil case terminated. Mailed notice (rth, ) (Entered: 07/31/2008)
08/29/2008	<a href="#"><u>6</u></a>	NOTICE of appeal by Louise Davenport regarding orders <a href="#"><u>5</u></a> . (IFP Pending) (gej, ) (Entered: 09/03/2008)
08/29/2008	<a href="#"><u>7</u></a>	AFFIDAVIT accompanying motion for permission to appeal in forma pauperis by Louise Davenport. (gej, ) (Entered: 09/03/2008)